

SEALED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Western District of Texas

**FILED**

September 27, 2023

CLERK, U.S. DISTRICT COURT

WESTERN DISTRICT OF TEXAS

BY: Joseph Hinojos
DEPUTY

United States of America)
v.)
Victor MAGANA-Ahumada) Case No. **PE: 23-MJ-571**
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*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/25/2023 in the county of Presidio in the
Western District of Texas, the defendant(s) violated:

Code Section
18 U.S.C 554

Offense Description
Knowingly export or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, to wit, 7 firearms.

This criminal complaint is based on these facts:

Continued on the attached sheet.


Complainant's signature

Mark Fernandez, Special Agent, HSI

Printed name and title

Complaint sworn to telephonic and electronically signed on this date.
FED.R.CRIM.P. 4.1(b)(2)(A)

Date: 09/27/2023


Judge's signature

Honorable Judge Ronald C. Griffin

Printed name and title

City and state: Pecos, Texas

Affidavit

1. On May 25, 2023, Customs and Border Protections Officers (CBPOs) at the Presidio, Texas Port of Entry (POE) referred a white Ford 450 travelling through the outbound lanes, towards Mexico, to secondary for further inspection. The truck was pulling a trailer filled with packages destined for Mexico. The packages were part of a shipment being transported by a transnational shipping company, *Paqueteria Cervantes*. CBPOs received a negative declaration from the driver of the truck for currency or other monetary instruments in excess of \$10,000, firearms, ammunition, or other merchandise not listed on the manifest.
2. CBPOs removed the drivers from the vehicle and performed an inspection on the cargo. In the process of inspecting the cargo, six pistols, pistol magazines, one semi-automatic rifle, and rifle magazines were discovered to be concealed in the packages. The firearms and magazines were not listed on the provided shipping manifest. The firearms and magazines were all wrapped with the same concealment method; three layers of wrappings. An aluminum foil wrapping tape, brown packing tape, and black carbon paper. Smugglers often attempt to conceal contraband through the POE in an attempt to avoid detection through x-ray or k-9.
3. The wrappings were carefully extracted from the firearms and collected by Special Agents (SAs) from Homeland Security Investigations (HSI). The wrappings were submitted to the HSI Forensics Laboratory (HSI-FL) for a patent fingerprint examination. On July 6, 2023, the HSI-FL examination was completed and yielded the following results. The packaging consisting of black carbon paper, foil tape, and brown packing tape was examined and physically and/or chemically processed for the presence of latent evidence. Thirty-six latent

fingerprints were successfully recovered from the wrappings. Of the thirty-six, twenty-one fingerprints matched the fingerprints of Victor MAGANA-Ahumada.

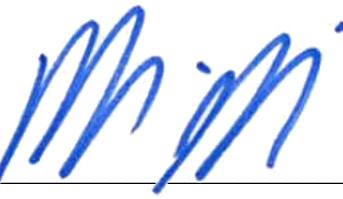
4. In a review of the provided shipping manifest, from May 25, 2023, it was discovered that both of the packages, containing firearms, were destined for Escárcega, Mexico. The sender of the packages listed his name as “Tomas” and provided phone number “xxx-xxx-2263.” Law enforcement database queries matched the provided phone number, “xxx-xxx-2263” to MAGANA. MAGANA’s social media account lists him as being from División Del Norte, Campeche, Mexico. División Del Norte is approximately 9 miles from the shipping location of Escárcega, Mexico.
5. On July 13, 2023, HSI SAs requested purchase records on the seven firearms intercepted at the Presidio POE to identify the original owners of the firearms. Of the identified purchase records, two firearms were purchased by MAGANA on April 28, 2023, and May 13, 2023. On April 30, 2023, MAGANA contacted *Paquetería Cervantes*, utilizing phone number “xxx-xxx-2263,” to coordinate the shipment of his packages to Mexico. MAGANA delivered the two packages to *Paquetería Ceravntes* on May 21, 2023 addressed to Mexico. MAGANA was positively identified as the shipper of the two packages by the *Paquetería Cervantes* employee who accepted the packages from him. The firearms were purchased days prior to shipping the packages to Mexico. MAGANA did not have a license or permission to export firearms to Mexico.
6. Based upon MAGANA knowingly shipping firearms to Mexico, he is in violation of 18 USC 554, unlawful exportation of merchandise.

I make this affidavit on the basis of my personal knowledge and information furnished to me by other law enforcement officers.



Mark Fernandez

HSI Special Agent



Ronald C. Griffin United States Magistrate Judge
Western District of Texas